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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : REINER FISCHER ET AL.
SERIAL NO. : 08/470,563
FILED : June 6, 1995
FOR : N-ARYL-SUBSTITUTED NITROGEN-CONTAINING
HETEROCYCLES, PROCESSES AND NOVEL
INTERMEDIATES FOR THEIR PREPARATION, AND
THEIR USE AS HERBICIDES AND PLANT GROWTH
REGULATORS
ART UNIT :
EXAMINER :

November 12, 1997

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

SIR:

The application apparently was held abandoned because Applicants failed to respond to a Notice to File Missing Parts mailed July 7, 1997. As will be demonstrated, Applicants never received that notice. Accordingly, Applicants respectfully request that the Assistant Commissioner exercise his authority and withdraw the holding of abandonment, restore this application to pending status, re-send the Notice to File Missing Parts mailed July 7, 1995, and reset the shortened statutory period for response.

The facts in support of this petition are as follows: On three separate occasions, Applicants' representatives inquired into the status of this application. In this regard, on January 2, 1996, September 18, 1996, and May 15, 1997, requests for filing receipts were sent to the Patent Office, but none were answered. Finally, on October 8, 1997, Ms. Nanci Manfredi, the head docket clerk in the office of the undersigned, telephoned Group 1200, and spoke to Ms. Ford, who indicated that the application was abandoned for failure to respond to the Notice to File Missing Parts mailed July 7, 1996. No formal or informal Notice of Abandonment was ever received.

The undersigned hereby certifies that the Notice to File Missing Parts mailed July 7, 1996, was never received in the offices of the undersigned. In support of this statement, there is attached the Declaration of Ms. Manfredi, who is also the firm's office manager, and in charge of overseeing the handling and docketing of incoming Patent Office correspondence during the period in question. Ms. Manfredi declares under penalty of perjury that the Notice of Filé Missing Parts in question was not received in the offices of the undersigned.

No fee is believed to be due in connection with this petition. However, should the Assistant Commissioner determine otherwise, he is hereby authorized

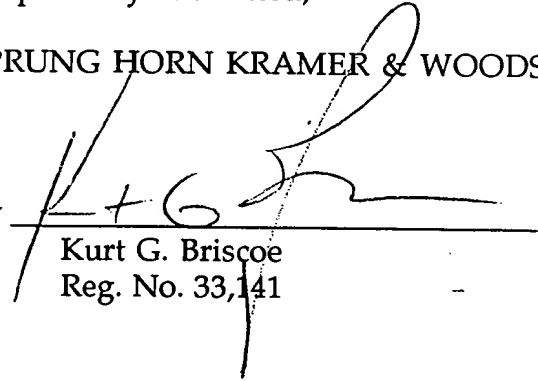
to charge any fees believed to be due to our Deposit Account No. 02-1445.

Early and favorable action is earnestly solicited.

Respectfully submitted,

SPRUNG HORN KRAMER & WOODS

By


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231 on the date indicated below:

Date November 12, 1997

By


Kurt G. Briscoe